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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/237,016	01/25/1999	LA VAUGHN F. WATTS JR.	M-6084US	9706

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EXAMINER

JACKSON, JENISE E

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 03/13/2002

*6*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/237,016

Applicant(s)

WATTS ET AL.

Examiner

Jenise E Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-42 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Claim Rejections- 35 USC 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. The invention as recited in claim 40 is directed to an access token for use with a computer system that contains security policies, and access code. The Examiner asserts that because the applicant does not provide a definition of a token, the Examiner looks to the Dictionary for the definition. According to Microsoft Computer Dictionary, a token is defined as a unique data structure(see pg. 389). Therefore, because claim 40 is directed to a data structure that contains software, which is merely security polices and a access code stored on the token than, the Examiner asserts that the access token alone does not constitute statutory subject matter. Therefore, the claim is rejected. See MPEP 2107-2107.02

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 34 and 39 are rejected under 35 U.S.C. 112, second paragraph, for failure to further limit the claims. As per claim 34 which states preparing an access token for the computer system does not further limit claim 29 from which it depends. Also, claim 39 which states wherein the access token does not further limit claim 35.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angelo and Authoritative Dictionary of IEEE Standards.

7. As per claim 1, Angelo discloses a computer system(see fig. 1, sheet 1, and col. 4, lines 39-40), a processor(102)(see fig. 1, sheet 1, and col. 4, lines 49-50), an access token communicator(i.e. probe) for reading a token(i.e. smartcard)(see col. 6, lines 13-15, 33-36), an input device(158) of being capable of being coupled to the processor(see fig. 1, sheet 1), the input device being adapted to receive verification data, because Angelo discloses that the user is required to enter a password, and the password that is entered is verified (see col. 3, lines 40-48). Thus, if the two passwords match(i.e. verification data), than this confirms that the user is authorized to use the access token(see col. 3, lines 46-48).

8. According to the Authoritative Dictionary of IEEE Standards, security level is defined as a hierarchical level whose purpose is to indicate degree of sensitivity to a designated security threat. It indicates a specific level of protection as specified by the security policy being enforced(see pg. 1015). Thus, since Angelo discloses security levels than Angelo discloses a security policy. Angelo discloses security policies(i.e. security levels) that can require different levels of access by having different passwords(see col. 13, lines 19-22), thus access to the

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resources will be based on what password the user has been granted. Furthermore, Angelo discloses a software system executable on the processor, and including a system security process controlling operational access to the processor, because Angelo discloses that an access token communicator for reading data on the token and comparing the data that is inputted with the data that is stored on the token. Thus, the comparison of the data, contains software inherent in order verify the user to a particular resource. Also, Angelo discloses an access token and verification data(see col. 3, lines 33-38), setting security policies(i.e. levels), and controlling access to resources based on the security policies(i.e. levels)(see col. 13, lines 18-22).

9. The Examiner takes Official Notice that it is well-known in the art to have a software system that contains executable program code, the motivation is that the executable program code is a complied program translated into machine code in a format that can be loaded into memory and run by a computer's processor. Thus, the motivation of having executable program code is that it allows the software to run.

10. As per claim 2, Angelo discloses a non-volatile storage device operably coupled to the processor(see fig. 1, sheet 1), and a non-volatile storage device(see col. 5, lines 57-60) access password that selectively allows access to the nonvolatile storage device, wherein the nonvolatile storage device password is supplied in response to the access token reading device reading an access token and the input device receiving verification data(see col. 7, lines 54-58, col. 8, lines 19-25, 37-40).

11. As per claim 3, Angelo discloses at least one of the one or more policies(i.e. security levels) is stored within the nonvolatile storage device password(see col. 13, lines 12-14, 19-25, 34-43).

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12. As per claim 4, Angelo discloses wherein at least one of the one or more policies(i.e. levels)is stored on the access token, because Angelo discloses that the user can have varying levels of access based on the password, thus when the user enters the password, this password is encrypted and compared to a encrypted value stored on the card(see col. 13, lines 19-24, 29-40).

13. As per claim 5, Angelo discloses that one of the one or more policies(i.e. levels corresponds to the verification data, because Angelo discloses that when the user enters different passwords that are associated with different levels(i.e. policies) of access to the computer system, and if the user's password matches the password stored on the token(i.e. verification data), than the user is allowed access to certain resources based on the password that the user receives(see col. 13, lines 19-23, 30-43).

14. As per claim 9, a password corresponding to the nonvolatile storage device access password(i.e. peripheral password) is stored on the access token(see col. 3, lines 41-44).

15. As per claims 10-11, Angelo discloses that the access token(i.e. smartcard) includes one or more bytes of data in a non-keyboard enterable format(i.e. biometrics)(see col. 7, lines 47-53).

16. As per claim 12, Angelo discloses wherein the verification data(i.e. password entered by way of biometrics) includes biometric data supplied by a user(see col. 7, lines 47-53).

17. As per claim 13, Angelo discloses that the input device includes a keyboard for entering in the password, and the verification data includes a password(i.e. PIN)stored on the card(see col. 3, lines 40-48).

18. As per claim 14 recites the same limitations as claims 1-2, except, Angelo discloses one or more policies(i.e. levels) associated with the operating system, and wherein the operating system includes security code selectively enabled by the one or more policies to limit access to

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the computer system responsively to an access token read by the access token communication device(see col. 7, lines 15-25, 43-50, and col. 13, lines 18-25).

19. As per claim 15, the access token further includes verification data, wherein the access token is read in response to the input device receiving authentication data corresponding to the verification data(see col. 3, lines 32-44).

20. As per claim 16, Angelo discloses the operating system includes a BIOS and wherein the BIOS is stored on nonvolatile memory that is electrically interconnected to the one or more processors(see col. 7, lines 15-22, fig. 1, sheet 1).

21. As per claim 17, Angelo discloses the access token communication device includes a smart card communication device(see col. 6, lines 13-22, 33-36).

22. As per claim 18, Angelo discloses the access token communication device includes network circuitry (i.e. adapted to receive signals) from one or more computers interconnected on a computer network(col. 5, lines 17-20, 51-53).

23. As per claim 19, Angelo discloses the access token communication device includes a modem that receives signals from a communication line.

24. As per claim 20, wherein the input device is a keyboard(159)(see fig. 1, sheet 1, col. 9, lines 49-50)

25. As per claim 21, Although Angelo does not expressly disclose a biometric reading device, Angelo does disclose that the user can input information by using a biometric device(see col. 7, lines 50-53). The Examiner takes Official Notice that a biometric reading device is well-known, thus it would be obvious to have a biometric reader, because the motivation is that a biometric reader allows one to read the biometric data input by the user.

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26. As per claims 22-23, Although Angelo discloses a fingerprint scanner; a retinal scanning device(i.e. biometrics)(see col. 7, lines 50-53).

27. As per claim 24, Angelo discloses the nonvolatile storage device includes a hard disk drive(see col. 5, lines 56-59).

28. As per claim 25, Angelo discloses a data access code stored in the nonvolatile memory, wherein a data request code corresponding to the data access code alters a state of the nonvolatile storage device, because Angelo discloses that if the data request code corresponds to the data access code(i.e. peripheral password stored in storage), than the state is altered by unlocking the storage device from locked to unlocked(see col. 9, lines 32-38, 43-48).

29. As per claim 26 rejected under same basis as claim 14, except storing a master password on the access token. Although, Angelo does not specifically disclose storing a master password, Angelo does disclose that a user may have different levels of access based on a distinct password(see col. 13, lines 18-22). Therefore, one would have been motivated to have a distinct password that is master password on the access token, because it is well-known in the art to have a master password that allows a user to have access to all network resources.

30. As per claim 27, Angelo discloses storing a password corresponding to the nonvolatile storage device password on the nonvolatile storage(see col. 9, lines 13-32, 51-54).

31. As per claims 28, 41-42 recite the same limitations as claim 14, except setting security policies(i.e. security levels) in the information handling system(i.e. computer)(see col. 13, lines 18-22); unlocking a nonvolatile storage device on the information handling system(i.e. computer)(see col. 9, lines 13-38, 43-54).



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32. As per claim 29, Angelo discloses the computer system of Angelo is already assembled(see fig. 1, sheet 1).

33. As per claim 30, initializing a system password installed on the computer system(see col. 3, lines 40-44, col. 8, lines 19-21).

34. As per claim 31, rejected under the same basis as claim 2.

35. As per claim 32, configuring includes modifying a nonvolatile memory installed in the computer system(see col. 5, lines 57-63).

36. As per claim 33, Angelo does not specifically disclose retaining a copy of the nonvolatile storage device password at a location removed from the computer; however, it is well-known to retain a copy of a nonvolatile storage device password at a location removed from the computer system, the motivation is that retaining a copy of a password at a location removed from the computer, is a protective security measure.

37. As per claim 34, the access token disclosed in Angelo is prepared, because Angelo discloses a token reader(i.e. probe) that reads the data from the token(see col. 3, lines 30-37).

38. As per claims 35, and 39, Angelo discloses that transferring one or more passwords from the access token to a computer system, because once the user enters the password, and the password is encrypted to produce a peripheral password the peripheral password is transferred to a computer system that contains a storage device(see col. 9, lines 33-35, 43-48).

39. As per claim 36, Angelo discloses transferring is in response to an access code received by the access token, because Angelo discloses that the access code(i.e. password) is inputted by the user(see col. 3, lines 40-41), and then transferred to the computer system(see col. 3, lines 44-48).

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40. As per claims 37-38, wherein one of the one or more passwords corresponds to a computer system password installed on the computer system(see col. 8, lines 20-23), and wherein one of the one or more passwords corresponds to a nonvolatile storage device password installed on a nonvolatile storage device(see col. 9, lines 12-32).

41. As per claim 40, wherein the one or more security policies(i.e. levels) are stored in an encrypted format, because based on the password that the user has entered is encrypted and this encrypted key has policies that are associated that allow a user to access certain resources or devices(see col. 3, lines 37-48, and col. 13, lines 18-26). Further, Microsoft Computer Dictionary defines a data stream to be a byte-by-byte flow of data(see pg. 110). Therefore, a data stream(i.e. password) is bytes of data.

***Claims Objected To***

41. As per claims 6-8 are objected to as being dependent on rejected base claims.

***Cited But Not Applied***

42. U.S. 6, 282,649

U.S. 5,325,430

U.S. 6,308,273

U.S. 5,048,085

U.S. 6,260,111

U.S. 5,548,721

U.S. 5,191,611

U.S. 6,005,942

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426.

The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail Hayes can be reached on (703) 305-9711. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-0040 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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March 11, 2002



GAIL HAYES  
SUPERVISORY PATENT EXAMINER  
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